

# CHAPTER 1

## **What Is A Waiver?**

Prior to 1981, people in need of long term care services could only receive Medicaid funding for such services when the services were provided in an institutional setting such as a nursing home. In October 1981, the Social Security Act was amended to allow states to choose to offer Medicaid funding for long term care services when those services are provided in the person's home or community. This became known as the Home and Community Based (HCB) Waiver or Medicaid Waiver option.

When the HCB waiver option is selected by a state, that state is choosing to waive the institutional requirements and must decide for whom those requirements will be waived. The state can select the group or groups of people for whom they wish the requirements to be waived. Some examples of groups of people for whom these requirements may be waived are people who are elderly or disabled, people who have intellectual disabilities or a related disability, or people who have a head or spinal cord injury.

In addition to choosing to waive the institutional requirements and selecting the groups of people for whom the requirement will be waived, states are allowed to choose which goods or services will be funded through the HCB waiver. The state must choose services that are not already funded as part of the State's Medicaid Program Plan.

When the HCB Waiver option is chosen, the state must make several assurances to the Centers for Medicare and Medicaid Services (CMS) that is the division of the U.S. Department of Health and Human Services that is responsible for reviewing, approving and monitoring any waiver options selected by the state. The state must assure that necessary safeguards are taken to protect the health and welfare of all individuals, assure that all individuals require the level of care that would be provided in an institution and assure that the individual's need for the specified level of care is periodically reevaluated. The state must assure that individuals are informed of any reasonable alternatives available under the waiver, assure that individuals are given the choice of either institutional or home and community-based services and assure that the expenditures under the waiver will not exceed the amount that would have been spent if the individual has chosen institutionalization.

In South Carolina, the SC Department of Health and Human Services (SCDHHS) is the state agency responsible for all Medicaid funding. South Carolina has chosen to serve several different populations by utilizing the HCB waiver option. SCDHHS, through its Community Long Term Care (CLTC) Division, administers HCB Waivers to serve the elderly and disabled (Community Choices Waiver), people with HIV or AIDS (HIV/AIDS Waiver), and adults who are dependent on a life support system (Ventilator Dependent Waiver). In addition, SCDHHS collaborates with the South Carolina Department of Disabilities and Special Needs (SCDDSN) to offer waivers to serve people with head or spinal cord injuries (HASCI Waiver) and people with intellectual disabilities or related disabilities (ID/RD Waiver and Community Supports Waiver).

In 2007, SCDHHS and SCDDSN received approval to offer the Pervasive Developmental Disorder (PDD) Waiver as an option. This option allows children with a Pervasive Developmental Disorder to choose to receive care at home rather than in an Intermediate Care Facility for the Intellectually Disabled (ICF/ID). Although a parent/guardian may choose to have their child receive care at home, the child must require the degree of care that would be provided in the ICF/ID. In other words, parents/guardians choosing this option must have a child who meets ICF/ID level of care.

The purpose of the PDD Waiver is to serve children with a Pervasive Developmental Disorder in the community, whose waiver service needs will not exceed the individual cost limit set forth in the waiver. It also offers opportunities for parents or responsible parties to self-direct Line Therapy services if they choose.

The PDD Waiver will focus on utilizing the principles of Applied Behavior Analysis to treat children who have been diagnosed with a Pervasive Developmental Disorder to include Autistic Disorder (here in after referred to as autism) and Asperger's Syndrome.

As of January 1, 2010, Medicaid through South Carolina's PDD Waiver funds the following services:

#### Case Management

#### Early Intensive Behavior Intervention

1. EIBI Assessment
2. EIBI Program Development and Training
3. EIBI Plan Implementation
4. EIBI Lead Therapy
5. EIBI Line Therapy

In order to be eligible for services through the PDD Waiver, a child must:

- Be ages 3 through 10 years.
- Be diagnosed with a PDD before age eight years. The diagnosis must be made by a qualified, licensed or certified diagnostician. Children who are currently eligible for DDSN under the Autism Division must also meet these criteria. Diagnostic documentation must include information supporting a DSM-IV rating.
- Be eligible to receive Medicaid (or provide documentation of financial ineligibility for Medicaid). This does not mean that the child must be receiving Medicaid but instead means that, once application is made, Medicaid will likely be awarded. The determination of eligibility for Medicaid is made by the SCDHHS Eligibility Division.
- Meet ICF/ID Level of Care medical criteria. The DDSN Consumer Assessment Team (CAT) makes the initial and annual Level of Care (LOC) determination.

Once these criteria are met and a slot becomes available, the child can be enrolled in the waiver. Upon enrollment, approved Providers will be authorized to render the needed services that are indicated on the child's Support Plan and included in the child's budget.

**NOTE: Children who meet the age and diagnostic criteria but do not meet ICF/ID Level of Care or are denied Medicaid eligibility may receive services outside the waiver through the PDD State Funded Program if funding is available. However, the child and parents/guardians must comply with all other program requirements and stipulations.**